

ASSEMBLY BILL

No. 1390

Introduced by Assembly Member Blumenfield

February 27, 2009

An act to add Section 38006 to the Education Code, relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 1390, as introduced, Blumenfield. School security and police departments: criminal activity involving firearms.

(1) Existing law authorizes the governing board of a school district to establish a security department under the supervision of a chief of security or a police department under the supervision of a chief of police, as designated by, and under the direction of, the superintendent of the school district. Existing law authorizes the governing board to employ personnel to ensure the safety of school district personnel and pupils and the security of the real and personal property of the school district. Existing law designates persons employed and compensated as members of a police department of a school district, when appointed and duly sworn, as peace officers. Existing law prescribes the required training and conditions of employment for school security officers.

This bill would require a school security department or school police department, within 24 hours of an incident of criminal activity involving a firearm occurring on a schoolsite under the control of the school district, to report the incident in writing to the appropriate law enforcement agency having jurisdiction over the area in which the incident occurred. The bill also would require a school security department or school police department, within 24 hours of an incident in which a firearm is surrendered to or otherwise seized by a school

security officer or a school peace officer on a schoolsite under the control of the school district, to report the incident in writing to the appropriate law enforcement agency having jurisdiction over the area in which the incident occurred. The bill would require the law enforcement agency, upon receiving the firearm from the school security department or school police department, to store the firearm in the same location where the agency maintains evidence for safekeeping.

By requiring school security and police departments and local law enforcement agencies to perform additional duties, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 38006 is added to the Education Code,
2 to read:
3 38006. (a) A school security department or school police
4 department, within 24 hours of an incident of criminal activity
5 involving a firearm occurring on a schoolsite under the control of
6 the school district, shall report the incident in writing to the
7 appropriate law enforcement agency having jurisdiction over the
8 area in which the incident occurred.
9 (b) A school security department or school police department,
10 within 24 hours of an incident in which a firearm is surrendered
11 to, or otherwise seized by, a school security officer or a school
12 peace officer on a schoolsite under the control of the school district,
13 the incident shall report in writing to the appropriate law
14 enforcement agency having jurisdiction over the area in which the
15 incident occurred. The law enforcement agency, upon receiving
16 the firearm from the school security department or school police
17 department, shall store the firearm in the same location where the
18 agency maintains evidence for safekeeping.

1 SEC. 2. If the Commission on State Mandates determines that
2 this act contains costs mandated by the state, reimbursement to
3 local agencies and school districts for those costs shall be made
4 pursuant to Part 7 (commencing with Section 17500) of Division
5 4 of Title 2 of the Government Code.

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